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AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2696*

House Bill No. 3189

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 41, is amended by adding the following new section:

Section _____. Establishment and operation of correctional facilities that house out-of-state prisoners.

Except as provided for in this section, on or after the effective date of this act, a public or private entity cannot enter into a contract with an out-of-state jurisdiction to house out-of-state detainees or sentenced prisoners in a jail, prison, or correctional facility in Tennessee. On and after the effective date of this act, a public or private entity may enter into a contract with an out-of-state jurisdiction to house out-of-state detainees or sentenced prisoners in a jail, prison, or correctional facility in Tennessee, only if the public or private entity and the intended parties to the contract, jointly submit a statement to the Commissioner of the Tennessee Department of Correction including the following information regarding the facility and its intended use:

- (a) the location of the proposed facility.
- (b) the design capacity of the proposed facility.
- (c) the potential prisoner population.
- (d) prisoner custody levels.

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(e) a site plan and general architectural program describing the facility size, buildings, including security levels and specifications to support the identified security levels and their functional relationships.

(f) a general operational program describing functions and activities and how the facility will operate.

(g) cooperative agreements with local authorities for response in the event of emergencies including escapes.

The Commissioner of the Tennessee Department of Correction shall review (a) through (g) of this section and prepare comments and recommendations to the Select Oversight Committee on Corrections, the State Building Commission, and the Governor regarding the suitability of the facility, its operational program, and local agreements for the intended and potential prisoner population specified in the submitted statement.

The Select Oversight Committee on Corrections shall recommend to the State Building Commission regulations regarding the duties, responsibilities, and requirements of any public or private entity desiring to enter into a contract with an out-of-state jurisdiction to house out-of-state detainees or sentenced prisoners in a jail, prison, or correctional facility in Tennessee. Such duties, responsibilities and requirements shall be limited as required to be in compliance with the federal Interstate Commerce Act but at a minimum shall include: public hearings, liability

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and indemnification, public safety and security provisions, notifications, and reporting.

The State Building Commission shall review and consider the recommendations of the Select Oversight Committee on Corrections and shall adopt regulations regarding the incarceration of out-of-state inmates in Tennessee.

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